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SERVICE DATE – APRIL 25, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1071

STEWARTSTOWN RAILROAD COMPANY—ADVERSE ABANDONMENT—IN YORK  
COUNTY, PA.

MOTION FOR PROTECTIVE ORDER

Decided: April 24, 2012

By motion filed on January 18, 2012, and a supplemental filing received on January 25, 2012, James Riffin (Riffin) seeks a protective order under 49 C.F.R. § 1104.14(b) to protect certain documents and information he has designated as highly confidential, and submitted in connection with his intended Offer of Financial Assistance (OFA), should the Board grant abandonment authority in this proceeding.<sup>1</sup> Included as an Appendix to the motion are a proposed protective order and confidential undertaking.

Riffin submits that a protective order is necessary because certain documents reflect highly confidential, personal financial statements and data which Riffin does not want disclosed to the public.

The requested motion will be denied. The protective order sought by Riffin is unnecessary, as the Board previously issued a protective order in this proceeding on June 29, 2011 (2011 Protective Order). The 2011 Protective Order defines “Confidential Information” to include, among other things, confidential terms of contracts or discussions with shippers, potential shippers, or carriers; confidential financial and cost data and other confidential or proprietary business or personal information. Further, a party may designate Confidential Information as “Highly Confidential” if the submission contains “shipper-specific rate or cost data, division of rates, trackage rights compensation levels,” or “other competitively sensitive or proprietary information.” The 2011 Protective Order states that “any party to these Proceedings may challenge the designation by any other party of information or documents as ‘CONFIDENTIAL’ or as ‘HIGHLY CONFIDENTIAL’ by filing a motion with the Board . . . .” Riffin has designated the information in his January 18<sup>th</sup> and 25<sup>th</sup> filings as “Highly Confidential,” and, although SRC and the Estate have moved to reject or deny Riffin’s separate

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<sup>1</sup> Along with his Motion for Protective Order filed on January 18, 2012, Riffin filed a Notice of Intent to Participate as a Party of Record and a Notice of Intent to file an OFA (OFA Notice). On January 20, 2012, the Estate of George M. Hart and Stewartstown Railroad Company filed a joint reply requesting that the Board reject or deny Riffin’s OFA Notice and related filings in this proceeding.

protective order and other filings related to his stated intent to file an OFA,<sup>2</sup> no party has challenged Riffin's designation under the existing protective order.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The motion for protective order is denied.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>2</sup> The Board will address in a subsequent decision whether Riffin may file an OFA.